

**Notice of Allowability**

Application No.

09/827,679

Examiner

Scott E. Jones

Applicant(s)

MCNUTT ET AL.

Art Unit

3714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the AP filed 10/6/2005.
2. ☒ The allowed claim(s) is/are 1-79.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

***Allowable Subject Matter***

1. Claims 1-79 are allowed.
2. The following is an examiner's statement of reasons for allowance:

In the closest prior art, Alcorn et al. (U.S. 6,104,815) discloses a method and apparatus that uses GPS and/or "set-top-box" technology to restrict gaming based on a geographical location.

Additionally, Paravia (U.S. 6,508,710) discloses an interactive gaming system that uses a location verification system to determine if a player is in a geographical location that allows wagering. If wagering is allowed, the player is allowed to submit wagering information; otherwise, the player is notified and not allowed to wager.

Regarding independent claims 12, 27, 54, and 72, although Alcorn discloses using remote terminals to send location information to a casino gaming server to determine whether the remote terminals are in a valid location, and the Examiner believes Alcorn's apparatus and the instant invention perform the substantially the same function (not substantially the same function, in substantially the same way, having substantially the same result), Alcorn's apparatus makes the location determination in the casino gaming server, whereas, the instant claimed invention makes the location determination in the remote user equipment. Even though the specification describes how the interactive wagering application (including location verification) can be implemented in a network server or on the remote user equipment (Page 7, line 18-Page 8, line 3) there is no adequate teaching, suggestion, or motivation to show "comparing the blackout information and the location information at the user equipment to determine whether the user equipment is located in a geographic location where wagering is allowed.

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Regarding independent claims 1, 16, 40, and 58, Paravia does not disclose providing the user equipment with a location verification token when it is determined that the user equipment is in a location where wagering is allowed; using the interactive wagering application to verify whether the location verification token is valid; and restricting wagering access when either the user equipment does not have a valid token. Regarding independent claims 14, 29, 76, and 79, additionally, Paravia does not disclose restricting wagering access when a token is not stored on the user equipment. Furthermore, Paravia performs the location verification after a player places a wager, whereas, the instant invention does so prior to a player placing a wager.

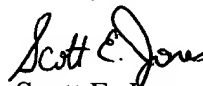
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Scott E. Jones  
Primary Examiner  
Art Unit 3714

SEJ